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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 13th August, 1993.

BILL No. 60 OF 1993

A Bill to fix the limit on borrowings by the Government of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called Fixation of Limit on Borrowings Act, 1993. Short title.

2. The total borrowings by the Government of India upon the security of the Consolidated Fund of India shall not exceed fifteen per cent. of the Gross Domestic Product of the country to be determined from year to year. Fixation of limit on the borrowings by the Government of India.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 11016/4/93-Jus (Pt.), dated 25 June 1993 from Shri H. R. Bhardwaj, Minister of State in the Ministry of Law, Justice and Company Affairs to the Secretary-General Lok Sabha.]

The President, having been informed of the subject matter of the High Court Judges (Conditions of Service) Amendment Bill, 1993 (*Amendment of the First Schedule*) by Shri Guman Mal Lodha, M.P., recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2(i) of the Bill seeks to omit the condition of completion of seven years of service for the purpose of payment of pension of the prescribed rate for each completed year of service to the Judges of High Courts. Clause 2(ii) seek to ensure payment of certain minimum pension to all such Judges, to whom Part I of the First Schedule to the Act applies, irrespective of the number of years of service they have put in. The number of retired High Court Judges who would be benefited is about thirty. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one lakh per annum.

Non-recurring expenditure of about rupees five lakh is also likely to be involved from the Consolidated Fund of India.

BILL No. 78 OF 1993

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1993. Short title.

43 of 1951.

2. For section 3 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— Substitution of new section for section 3.

"3. A person shall not be qualified to be chosen to fill a seat in the Council of State unless he is an elector for any parliamentary constituency in the country.". Qualification for membership of the Council of States.

(ii) has retired on or after the 1st October, 1974 but before the 1st November, 1986, then, a minimum pension of Rs. 8400 per annum shall be payable to such a judge;

(iii) retires or has retired at any time on or after the 1st November, 1986, then, a minimum pension of Rs. 15750 per annum shall be payable to such a judge.".

STATEMENT OF OBJECTS AND REASONS

The High Court Judges (Conditions of Service) Act, 1954, when enacted in the year 1954 provided for payment of a minimum pension even to those judges who were elevated from the Bar and who did not complete seven years of qualifying service for pension because, at that time, it was felt that the restriction placed by article 220 of the Constitution on resumption of practice by High Court Judges at the bar of the same High Court and in all inferior courts and tribunals after their retirement adversely affects the recruitment of well qualified candidates who would not be able to put in the minimum seven years of service so as to qualify for pension. Pension was not payable to such Judges under the rules which governed the conditions of service of Judges before this Act was enacted. Thus, even though the requirement of atleast seven years of service as a High Court Judge to qualify for pension was given a go-bye, the provisions of Part I of the First Schedule to the Act so provided that while the requirement of completion of atleast seven years of service to earn pension at the prescribed rate for each completed year of service continued to find place in paragraph 2 thereof, provision for payment of an annual pension of Rs. 6000 to judges who did not complete seven years of service was also made under paragraph 9 of Part I of the First Schedule. This figure of Rs. 6000 was revised to Rs. 8400 with effect from 1 October, 1974 by Act No. 35 of 1976 and to Rs. 15750 with effect from 1 November, 1986 by Act No. 20 of 1988.

The results is that those Judges who retire before completing seven years of service for pension get the same annual pension of Rs. 15750, irrespective of the number of years of service put in by them, although the annual pension earned at the prescribed rate of Rs. 3430 for every completed year of service under paragraph 2 of Part I of the Schedule to the Act, works out to Rs. 17150 for five years of service and Rs. 20580 for six years of service. This is anomalous and, as such, the Bill seeks to amend Part I of the First Schedule to the Act with a view to omitting the condition of completion of seven years of service as a High Court Judge for the purpose of pension at certain prescribed rate, which has been revised from time to time, and, at present, is Rs. 3430, for each completed year of service. The Bill also seeks to ensure that certain minimum pension be paid to all such Judges, to whom Part I of the First Schedule to the Act applies, irrespective of the number of years of service they have put in.

Hence this Bill.

NEW DELHI;
March 23, 1993.

GUMAN MAL LODHA.

STATEMENT OF OBJECTS AND REASONS

The total borrowings of the Government of India from international sources is now approaching US $ 100 billion, which is more than rupees 3,30,000 crore. With the continuous devaluation of the Indian rupee *vis-a-vis* the U.S. dollar this figure will only increase with time, creating a burden that will fall on the shoulders of not only the present generation but of future generations as well. The internal borrowings of the Government of India have exceeded rupees 3,55,000 crore. These too will keep growing as the Government keeps borrowing as much to fund developmental activities as to balance the budget.

While India is already the world's third most indebted country insofar as external borrowings are concerned, indications are that it will soon take the first place acquiring the dubious distinction as the most indebted country in the world. India is already on the threshold of what is known as the debt trap. Once the country enters this trap, and it is now obvious that it will, there will be a very heavy price to be paid to come out of it.

Article 292 of the Constitution provides for legislation by Parliament to put a brake on reckless borrowing by the executive. This Bill seeks to put a restriction on domestic and external borrowings by the Government of India in exercise of the powers under article 292 of the Constitution.

NEW DELHI
March 5, 1993.

GEORGE FERNANDES.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 6(8)-W&M/93, dated 20 April, 1993 from Dr. Manmohan Singh, Minister of Finance to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill, recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution of India.

BILL No. 69 OF 1993

A Bill further to amend the High Court Judges (Conditions of Service) Act, 1954.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1993. Short title.

28 of 1954. 2. In the High Court Judges (Conditions of Service) Act, 1954, in the First Schedule, in Part-I,— Amendment of the First Schedule.

(i) in paragraph 2, the words "and who has completed not less than seven years of service for pension" shall be omitted and shall be deemed to have always been omitted; and

(ii) for paragraph 9, the following paragraph shall be substituted namely:—

"9. Notwithstanding anything contained in the foregoing provisions, where a Judge to whom this Part applies—

(i) has retired at any time after the 26th January, 1950 but before the 1st October, 1974, then, a minimum pension of Rs. 6000 per annum shall be payable to such a judge;

Amendment of section 12.

3. Section 12 of the principal Act shall be numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Where the Legislative Assembly or, as the case may be, the electoral college of a state or of a Union territory, is not in existence when a member of the Council of States representing that State or the Union territory retires on the expiration of his term of office, a notification for the purpose of filling that seat shall be issued within a fortnight from the date the Legislative Assembly or the electoral college, as the case may be, is duly constituted.".

Amendment of section 154.

4. In section 154 of the principal Act,—

(*i*) in sub-section (*1*), after the words "a casual vacancy", the words "or elected in an election held in pursuance of notification under sub-section (*2*) of section 12" shall be inserted;

(*ii*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) A member chosen to fill a vacancy in an election held in pursuance of a notification under sub-section (*2*) of section 12, shall retire on the completion of the term that would have begun as if the Legislative Assembly or the electoral college, as the case may be, existed on the date of occurrence of the vacancy and elections held in pursuance of notification under sub-section (*1*) of section 12:

Provided that the provisions of this sub-section shall not apply to members elected before the commencement of the Representation of the People (Amendment) Act, 1993, but the President shall, after consultation with the Election Commission, make by order such provisions as he thinks necessary to ensure that after the expiry of their present term, one-third members retire on second day of April in every second year thereafter."

STATEMENT OF OBJECTS AND REASONS

The Council of States, popularly alluded to as the House of Elders, is an important component of the bicameral Parliament of India. To ensure that it represents maturity, expertise and talent, the Constitution also provides for nomination as its members by the President of twelve persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. This provision in article 80 of the Constitution extends the role of Rajya Sabha much beyond that of just being the representative of the States in that narrow term.

Under the scheme of things for constitution of the Council of States, the basic requirement is that the elected members thereof are chosen by the members of the Legislative Assemblies of the States or the electoral colleges of the States and the Union territories, as the case may be. However, section 3 of the Representation of the people Act, 1951 postulates that a person shall not be qualified to be chosen as representative of any State or the Union territory in the Council of States unless he is an elector for a parliamentary constituency in that State or territory. This provision restricts the right of the members of the Legislative Assembly or the electoral college to elect freely any person to represent their State or territory in the Council of States. It is felt that this restriction should be lifted so that the members of the Legislative Assembly or electoral college have the freedom to elect any Indian they wish to be represented by in the Parliament. This step will also eliminate the present practice of important persons having to get themselves registered as electors in States other than their own in order to contest elections to the Council of States therefrom.

Another aberration that has crept in over the years is that gradually the concept of one-third members retiring in every two years is losing its relevance as it has been seen that when a member retires on completion of his six year term, the concerned Legislative Assembly or the electoral college is not in existence and when the same is constituted, election is held for six years term beginning thereafter. Consequently, cases arise where due to this reason, election to the Council of States from a State may be held for all or most of the seats irregularly or even after six years in one lot. This is contrary to the basic concept of holding beinnial elections. It is necessary to restore and maintain this stipulation without affecting the rights of sitting members of the Council of States.

This Bill seeks to achieve these two objectives.

NEW DELHI;
July 7, 1993.

PAWAN KUMAR BANSAL.

BILL NO. 77 OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1993.

Amendment of article 169.

2. In article 169 of the Constitution, in clause (1), for the word "may", the words "shall, as soon as possible," shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 169 of the Constitution provides that Parliament may by law provide for the abolition of the Leigslative Council of a State having such a Council of for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting. Thus, in essence, the Government is required to initiate legislation in Parliament to give effect to the resolution of the Assembly seeking abolition or creation of the Legislative Council. However, the Government has taken the position that the adoption of the resolution by the Legislative Assembly of the State vests authority in Parliament to pass legislation, if it so likes, but the Government on its part is under no obligation to initiate legislation. The argument of the Government is that article, 169 has used the expression "Parliament may" and, therefore, its implementation is not mandatory on the Government. The same stand was taken by the Government when the Andhra Pradesh Legislative Assembly passed a resolution seeking abolition of the Andhra Pradesh Legislative Council.

This amendment has, therefore, become necessary in order to remove this technical difficulty by making it obligatory on the part of the Government to bring forward a legislation in Parliament to give effect to the resolution of the assembly seeking abolition/creation of the Council.

Hence this Bill.

NEW DELHI;
July 12, 1993.

CHITTA BASU.

BILL No. 70 OF 1993

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1993.

Amendment of article 123.

2. In article 123 of the Constitution, in clause (*1*), for the words "both Houses of Parliament are in session", the words "both or either of the Houses of Parliament are in session" shall be substituted.

Amendment of article 213.

3. In article 213 of the Constitution, in clause (*1*), for the words "both Houses of the Legislaure are in session", the words "both or either of the House of the Legislature are in session" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 123 of the Constitution empowers President to promulgate Ordinances, Article 213 similarly empowers the Governors of the States to promulgate Ordinances. These articles also specify the conditions under which the President and the Governors may promulgate such Ordinances.

The spirit of the Constitution is that Ordinance making powers should not be invoked when the Parliament or the State Legislatures are in session. Ordinances are in essence laws made by the Executive. Resort to this kind of law making should be made only in extra-ordinary situation and should not be taken resort to with the intention of by passing the Parliament or the State Legislatures.

The Government sometimes resorts to this method of law making arbitrarily, even on the eve of the Parliament's Session. Gross arbitrariness has been shown when the President promulgated the National Security (Amendment) Ordinance, 1984, on the 5th April, 1984, when the Lok Sabha was in session and the Rajya Sabha was summoned to meet on the 23rd April, 1984, taking advantage of the loophole in the existing article of the Constitution under which an Ordinance can be promulgated even if one of the Houses is in Session. This indicates the drive towards authoritarianism and contributes towards further erosion of the rights of Parliament. Growing trend of executive fiats, needs to be halted.

The Bill aims at plugging this loophole.

NEW DELHI;
July 12, 1993.

CHITTA BASU.

BILL NO. 75 OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1993.

Amendment of article 324.

2. In article 324 of the Constitution,

(*i*) for clauses (2) and (3), the following clauses shall be substituted, namely:—

"(2) The Election Commission shall consist of the Chief Election Commissioner, who shall act as the Chairman of the Election Commission, and two Election Commissioners.

(3) Every member of the Election Commission shall be appointed by the President after consultation with the Chief Justice of India and the Leader of Opposition in the House of the People or a member of the House of the People elected by the Opposition for that purpose:

Provided that the appointment of every member of the Election Commission shall be subject to the approval of both the Houses of Parliament.

(*3A*) Every member of the Election Commission shall hold office until he attains the age of sixty five years:

Provided that he may be removed from his office only in like manner and on the like grounds as a Judge of the Supreme Court.

(*3B*) The senior most member of the Election Commission shall be the Chief Election Commissioner.";

(*ii*) for clause (*5*), the following clauses shall be substituted, namely:—

"(*5*) The salary and other conditions of service of every member of the Election Commission and the salary, tenure of office and other conditions of service of every Regional Commissioner shall be such as may be determined by Parliament by law:

Provided that neither the salary of a member of Election Commission nor his rights in respect of allowances, leave of absence, pension, etc., shall be varied to his disadvantage after his appointment:

Provided further that a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(5A) A member of the Election Commission shall not be eligible to hold any office either under the Government of India or under the Government of any State after he has ceased to hold his office.".

STATEMENT OF OBJECTS AND REASONS

The object of this proposed constitutional amendment is to ensure the independence and impartiality of the Election Commission. Without an independent and impartial Election Commission, there cannot be fair elections and, therefore, no democracy. Under the present constitutional set up. There are no safeguards to enable the Election Commission to function without fear and favour of the Government. The Government has been given an unlimited power in the appointment of the Chief Election Commissioner and has also a discretion in deciding the strength of the Election Commission.

The election is a process through which political parties seek power in a democratic set up and it is, therefore, a subject which directly concerns political parties. Yet, except the ruling party, other political parties have no say in the appointment and conduct of the Election Commission and this has resulted in bringing the Election Commission under the undue influence of the party in power in the absence of constitutional safeguards to protect the independence of the Election Commission.

Further-more, although the Constitution has provided for an Election Commission consisting of more than one member, it has always been a one man commission. There has also developed an unhealthy practice of accommodating the retired Chief Election Commissioner. With no constitutional provisions insulating the Election Commission from undue influence from the Government, and the Government favouring the Chief Election Commissioner with attractive jobs after retirement, a cloud looms over the impartiality and the independence of the Election Commission undermining the faith in the fairness of the election process.

Therefore, the amendment aims to provide safeguards against any undue influence on the Election Commission by the Government. The safeguards included in the amendment are similar to those included by the fathers of the Constitution to maintain the impartiality and independence of other vital organs such as the Comptroller and Auditor General of India. Union and State Public Service Commissions and the judiciary and which are essential for the effective functioning of democracy. The participation of the Chief Justice of India and of members of the opposition in the appointment of members of the Election Commission and the approval thereof by Parliament is proposed to ensure as impartial a method as possible, With as wide a consensus as practicable to generate faith in the impartiality in the choice of members to this august body.

NEW DELHI;
July 12, 1993.

CHITTA BASU.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for a three-member Election Commission. The proposed increase in the membership of the Election Commission is likely to involve recurring expenditure of about rupees five lakhs from the Consolidated Fund of India in the shape of emoluments to be paid to the Chief Election Commissioner and other Election Commissioners and their personal staff.

No non-recurring expenditure is likely to be involved.

BILL NO. 76 OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1993.

Amendment of Seventh Schedule.

2. In the Seventh Schedule to the Constitution,—

(*i*) In list I—Union List, entry 97 shall be omitted; and

(*ii*) In List II—State List, after entry 66, the following entry shall be inserted, namely:—

"67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those lists.".

STATEMENT OF OBJECTS AND REASONS

The Constitution which finally emerged after Independence, although described as federal in character, contains essentially strong and predominant elements of Unitary System. It clothed the Centre with more powers at the expenses of the rights of the States. This is revealed by the fact that the Concurrent List has as many as 47 items. Over with above, there has been a persistent tendency to make inroads into the powers of the States, whatsoever is left with them.

It is necessary to halt this trend in the interest of preservation of the unity and integrity of the country within the frame work of linguistic, cultural and other diversities.

The transfer of residuary powers to the States from the Centre would contribute towards reversal of the trend.

Hence this Bill.

NEW DELHI;
July 12, 1993.

CHITTA BASU

BILL NO. 81 OF 1993

A Bill further to amend the Arms Act, 1959.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title. and commencement.

1. (*1*) This Act may be called the Arms (Amendment) Act, 1993.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 11.

2. For section 11 of the Arms Act, 1959 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— 54 of 1959.

Power to prohibit import or export of arms, etc.

"11. The Central Government may, by notification in the Official Gazette, prohibit the taking out of, or subject to the provisions of secton 12 bringing into, India, arms or ammunition of such classes and descriptions as may be specified in the notification.".

Amendment of section 12.

3. In section 12 of the principal Act, in sub-section (*1*), for clause (a), the following clause shall be substituted, namely:—

"(a) permit any Indian citizen who holds a licence issued in accordance with the provisions of this Act and the rules made thereunder to bring into India arms or ammunition of such classes and descriptions for self-defence as may be specified in the notification:

Provided that the number of arms brought into India for self-defence by any person shall not be more than two.".

Amendment of section 17.

4. In section 17 of the principal Act,—

(i) in sub-section (*3*), clauses (a) and (b) shall be omitted; and

(ii) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) if any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction is prohibited by this Act or by any other law for the time being in force from acquiring, having in possession or carrying any arms or ammunition or transferring such arms or ammunition, or is of unsound mind, or undergoing imprisonment for an offence committed under any law for the time being in force, or that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or public safety, may order the licensing authority to suspend the licence or revoke such licence.

Amendment of section 19.

5. In section 19 of the principal Act, sub-section (*3*) shall be omitted.

Insertion of new section 21A.

6. After section 21 of the principal Act, the following section shall be inserted, namely:—

Custody of persons possessing arms and ammunition illegally.

"21A. Any person, having in his possession any arms or ammunition the possession whereof has ceased to be lawful or whose period of licence has lapsed, or who has not deposited such arms or ammunition under sub-section (1) of section 21 shall be produced before the Judicial Magistrate who shall pass such orders, as he considers necessary.".

Amendment of section 25.

7. In section 25 of the principal Act, sub-section (5) shall be omitted.

Amendment of section 43.

8. In section 43 of the principal Act, in sub- section (*1*), for clause (b), the following clause shall be substituted, namely:—

"(b) such State Government or the Superintendent of Police or Deputy Commissioner of Police exercising jurisdiction over the whole or any part of such area as may be specified by the State Government or such officer or authority subordinate to the State Government,".

STATEMENT OF OBJECTS AND REASONS

At present, arms or ammunition cannot be brought into the country by citizens even for their self-defence. The anti-social elements, after smuggling highly sophisticated weapons from foreign countries are making the life hell of peace loving citizens. Therefore, it is proposed that if any citizen wants to import arms, he may be permitted to bring into country not more than two weapons for self-defence in special circumstances.

The licensing authority is empowered to suspend or revoke a licence for arms if it is satisfied that the licence holder is barred by any law from possessing arms or is of unsound mind or if it feels that it is necessary for the security of public peace that the holder should not possess arms. Under the provisions of the Arms Act, 1959, the Police personnel are empowered to apprehend the offenders and they tend to misuse their powers.

Hence, it is proposed that the Judicial Magistrates should be empowered to deal with any cases in the matter of suspension or revocation of licences and also the custody of the offenders.

The procedure for granting licence for arms is lengthy and it causes undue delay. It is proposed to empower Police Officers of the rank of Superintendent of Police or Deputy Commissioner of Police to issue licences for arms. This will check red-tapism and simplify the procedure.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 12, 1993.

MOHAN SINGH.

BILL No. 79 OF 1993

A Bill to provide for preparation, maintenance and auditing of annual accounts of political parties and for matters connected therewith.

BE it enacted by Parliament in Forty-fourth Year of the Republic of India as follows:—

Short title, extend and commencement.

1. (*1*) This Act may be called the Political Parties (Maintenance and Auditing of Accounts) Act, 1993.

(*2*) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Commission" means the Election Commission of India constituted under article 324 of the Constitution;

(*b*) "political party" means an association or body of individual citizens of India registered with the Commission as a political party in accordance with the provisions contained in section 29A of the Representation of the People Act, 1951; and 43 of 1951.

(*c*) "prescribed" means prescribed by rules made under this Act.

Maintenance and auditing of accounts of political parties.

3. (*1*) Every political party shall prepare and maintain annual accounts of all its receipts, expenditure and other relevant records in such form and manner, as may be prescribed.

(*2*) The accounts of every political party shall be audited by an auditor authorised to audit the accounts of a company, under the Chartered Accountants Act, 1949.

38 of 1949

Submission and publication of audit report.

4. (*1*) Every political party shall submit its annual certified copy of the audited accounts together with the audit report thereon to the Commission within such time, as may be prescribed.

(2) The Commission shall cause the annual certified copy of the audited accounts together with the audit report thereon of each political party to be published in such manner, as may be prescribed.

Penalty.

5. If any political party contravences the provisions of this Act the Commission may, after giving a reasonable opportunity to the concerned political party,--

(*i*) withdraw its recognition, if it is a political party recognised by the Commission under the Election Symbols (Reservation and Allotment) Order, 1968; or

S.O. 2959.

(*ii*) withdraw its registration as a political party.

for such period, as may be prescribed.

Power to remove difficulties.

6. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, after consulting the Commission, by order, to be published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as may appear it to be necessary for removing the difficulty.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Act to have overriding effect.

7. The provisions of this Act shall apply notwithstanding anything contained to the contrary in any other law for the time being in force.

Power to make rules.

8. The Central Government may, in consultation with the Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951, provides that every candidate at an election, either to the House of the People or to the Legislative Assembly of a State, shall keep a separate account of all his expenditure incurred in connection with the election but there is no provision providing for maintenance and auditing of accounts of political parties. Since use of money power to win election has become an integral part of our election process and the political parties are carrying on their political activities with the help of black money, it is high time that a law providing for maintenance and auditing of accounts of political parties be brought forward. Such a legislation will not only help free and fair elections by discouraging anti-social elements employed by the political parties by using money power to disturb the free and fair elections but will also give a right to the people of the country to know from where the money comes to a political party and where it goes.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 12, 1993.

MOHAN SINGH.

FINANCIAL MEMORANDUM

Clause 4(2) of the Bill provides that the Commission shall cause the annual certified copy of the audited accounts together with the audit report thereon of each political party to be published in such manner, as may be prescribed. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakh per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only and as such the delegation of legislative power is of a normal character.

C. K. JAIN,
Secretary-General.

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